

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD N. FARGO, MATTHEW J. DUNLAVEY,
JENNIFER M. BASTIAAN, MICHELPAUL COSTA,
and CATALIN H. POPA

Application No. 09/853,339

MAILED

JAN 20 2006

PAT & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 30, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The examiner's answer mailed on August 11, 2005 is not in compliance with the requirements of 37 CFR § 41.37. The following heading needs to be provided in order to be consistent with the appeal brief filed on August 1, 2005:

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Evidence Relied Upon - listing the evidence relied on (e.g., patents, publications etc.).

Before further review, the examiner must submit a corrected examiner's answer that will include the Evidence Relied Upon section containing the list of references mentioned in the statement of rejections. Appropriate correction is required.


Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) vacate the examiner's answer mailed August 11, 2005, and issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section; and 2) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


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Application No. 09/853,339

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